

INTERACTIONS WITH TRANSGENDER INDIVIDUALS

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STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. 9.01	ISSUE DATE: September 23, 2020
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I. Introductory Discussion

- A. The purpose of this policy is to establish guidelines for the appropriate treatment of transgender individuals who come into contact with the Stow Police Department. It is the general policy of the Stow Police Department to treat all individuals with dignity, respect, and professionalism. Therefore, this policy shall be enforced in order to create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals within the community.

II. Definitions

- A. Employee/Officer:** A sworn officer or civilian who works directly for the department. For this policy “Officer” also refers to employee sworn or civilian.

- B. Gender Expression:** External manifestations of an individual's gender identity, which may or may not be consistent with those traits typically associated with a person's assigned sex at birth. External manifestations of gender identity may be, expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics
- C. Gender Identity:** A person's deeply-held internal sense of their own gender, regardless of whether their, appearance, or behavior, differs from, the person's sex assigned at birth. An individual may identify as a man, woman, or Nonbinary, among others.
- D. Gender-Non-Conforming:** A person whose Gender Expression does not conform to social expectations or stereotypes about what is appropriate to their sex as assigned at birth.
- E. Intersex:** Intersex individuals are born with chromosomes, external genitalia, and/or a reproductive system that varies from what does not fit boxes of either males or females. This condition may not become apparent until later in life, such as during puberty. Intersex individuals may identify as male, female or nonbinary.
- F. Legal Name:** Name that identifies a person for legal, administrative and other official purposes.
- G. Nonbinary (Individual):** Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the gender binary (e.g. man or woman). People with nonbinary gender identities may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, two spirit, bigender, pangender, Gender-Non-Conforming, among others.
- H. Preferred Name:** Name that a transgender individual uses, which may or may not be the individual's legal name.
- I. Pronouns:** A gendered word that refers to people that you are talking about or to, which includes the gendered pronouns of he/him/his, she/her/hers, they/them/their, among others. Where the word "Pronouns" is used in this policy, this also refers to an officer's use of the gendered sir or m'am, as well as Mr., Ms., or Mx., among

others.

- J. Sex:** Refers to biological differences; such as chromosomes, hormonal profiles, and internal or external sex organs. An individual's sex may be labeled as male or female, or intersex.
- K. Sexual Orientation:** A person's romantic and/or physical attraction to people of a specific gender or genders
- L. Transgender Individual:** A person whose gender identity differs from their sex assigned at birth.

- 1. Transgender Man:** A person was assigned female at birth, but identifies as a male. A transgender man should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
- 2. Transgender Woman:** A person was assigned male at birth, but identifies as a female. A transgender woman should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

NOTE: Individuals may use different Pronouns. Officers should respectfully address each individual or individuals, as requested by the individual, or when addressing a group, follow the policy in Section III.

- M. TGN:** An acronym for Transgender, Gender-Variant, and/or Nonbinary person. TGN is utilized for ease of reading this policy and for consistency in communication with the Stow Police Department, which utilizes the TGN acronym in their policies.

III. Name Usage and Forms of Address

- A. All officers should address TGN individuals by the individual's Preferred Name, regardless of whether or not the individual's Preferred Name is their Legal Name. Additionally, TGN individuals should be addressed using the titles and pronouns appropriate to their Gender Identity or what they have requested. If there is any

uncertainty as to which pronouns or titles are appropriate, then the officer should respectfully ask the individual. All language and behavior used when addressing a TGN individual during the transaction of police duties must be respectful.

- B. When an Officer is unsure if an individual is TGN, the Officer should respectfully ask the individual for their Pronouns; and proceed accordingly.
- C. If a situation impedes the opportunity to access a person's TGN status use gender neutral terms and/or omit using Sir/ Mr., Ma'am/ Ms. i.e. "You need to step back, please." Or "Folks, please step back." Referring to a person as "It" or other derogatory language is dehumanizing and subject to disciplinary action.
- D. Nothing in this policy prohibits an officer from considering factors such as actual or perceived gender identity in combination with other legitimate factors (i.e., weight, age, height, dress, etc.) when obtaining or providing the description of a suspect, victim or witness.

IV. Calls for Service

- A. All calls for service or complaints made by TGN individuals will be investigated in the same manner as all other calls for service or complaints, and in full compliance with Department Policy and Procedure. Officers shall not fail to respond to a call for service based upon the Gender Identity or Expression of the caller.
- B. When Officers are investigating a crime involving a TGN as a victim, which requires filing a report. Officers should check to see if the crime falls under the definition of a hate crime, under G.L. c 22C sec. 32, and follow Stow Police Policy 2.06 Bias Crimes, which may require additional charges against the suspect. Officers will also ensure that the report reflects Bias under IMC reporting tab Offences-Bias.

V. Stop and Frisk

- A. Standard procedures and practices should be used when conducting searches and seizure (i.e. "Field Stops" and "Frisks") of TGN individuals. These standard

procedures and practices include treating a TGN individual in a manner that is appropriate for the individual's Gender Expression or Gender Identity.

- B. Officers should not require proof of an individual's gender and shall not challenge an individual's Gender Identity. However, if information is needed to complete the legal process under law, then officers are permitted to request an individual's legal gender-marker.
- C. Searches or frisks shall not be used as a means of determining an individual's gender. Additionally, TGN individuals shall not be subjected to more invasive search or frisk procedures than non-TGN individuals.

VI. Arrest and Detention

A. Transportation: Whenever possible and practical, a TGN individual should be transported separately from other arrestees. This is to ensure the TGN individual's privacy, dignity, and safety

B. Booking:

1. Normal booking procedures will be followed, according to 3.03 and 3.04 of the Stow Police Policy when booking a TGN individual, including those in protective custody and juveniles held in custody. During the booking process the Booking Officer shall include the individual's Legal Name as the primary name, and log the Preferred Name under the alias tab of IMC.
2. If the individual does not have identification available, the Booking Officer will use the Legal Name as the primary name for booking purposes, and will also log the Preferred Name under the alias tab of IMC.
3. All the individual's names will be used when completing a criminal records check, and all known alias's will be entered into IMC under alias. (i.e. if an individual has a multiple criminal records under different names, all names should be documented)
4. During booking, the Legal Name will be used for documentation only.

Preferred Name will continue to be used for conversation.

5. When documenting “Sex”, the options in the IMC records management system are, M for male, F for female, X for non-binary, U for unknown.
6. If during the booking process a TGN individual requests to use the bathroom, an officer of the same gender, if available, as the TGN individual’s gender identity or the gender requested by the TGN individual, if available, should escort the individual to a cell where no other individuals are located.

C. Searches:

1. Whenever possible and practical, a search of a TGN individual will be performed by officers of the **gender requested by the TGN individual**. Two officers of the gender requested by the TGN individual, if possible will be present during the search. If two officers of the requested gender are not available, the search should nonetheless be performed by two available officers or one officer and the dispatcher being present, while being recorded as all bookings are. If the TGN individual does not express a preference regarding the gender of the searching officers, then two officers of the same gender as the TGN individual’s gender expression will conduct the search (e.g. when a Transgender Male, does not express a preference, then two male officers will conducted the search). When a Non-Binary individual states they have no preference, Officers are encouraged to ask again for the individuals preference.

D. Conditions during Holding:

1. Whenever possible and practical, a TGN person shall be held in an individual cell without other prisoners. The Booking Officer and Shift Officer in Charge (OIC) shall make reasonable efforts to ensure that the TGN is held separately from other prisoners. Instances in which a TGN is in need of medical attention shall be handled in the same manner as any other individual requiring medical attention in accordance with 3.03 and 3.04 of the Stow Police Policy.
2. Officers should not seize or remove appearance-related items such as

clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-TGN individuals, provided those articles and/or items may not be used to escape or cause harm to the prisoner or others or conceal weapons, illegal items, or evidence.

3. If items are taken or removed, an explanation will be provided to the individual. Any items taken for evidence will be logged as per department policy on seizing evidence 6.02.
4. If clothing is taken, replacement clothing will be provided (i.e. prisoner jumpsuits from storage).